

REMARKS

Claims 1 - 25 remain active in this application. Amendment of claims 1, 17 and 25 has been requested to rewrite claims 27 - 29, which have been indicated as being directed to allowable subject matter, in independent form. No new matter has been introduced into the application.

The interview graciously granted by Examiner Kennedy and his Supervisor, Mr. Knight, on November 8 and 14, 2006, is gratefully acknowledged with appreciation. At that interview, the undersigned presented proposals for amendments to claim 27 - 29 directed to avoiding any possible ambiguity in claims 27 - 29. Agreement was reached in regard to amendments to overcome the rejection of claims 27 - 29 under 35 U.S.C. §112. Accordingly, claims 27 - 29 have been rewritten in independent form by including the amendatory language agreed upon in claims 1, 17 and 25 and claims 26 - 29 have been canceled.

Claims 1 - 5 and 7 - 10 have been rejected under 35 U.S.C. §102 as being anticipated by Binnig et al. Claims 6, 16 and 25 - 26 have been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Goldman. Claims 11 - 13 have been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Manelski et al. Claim 14 has been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Bessho et al. Claim 15 has been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Feigenbaum et al. Claims 17 - 24 have been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Braden-Harder et al. All of these grounds of rejection are respectfully traversed for the reasons made of record in previous responses

which are hereby fully incorporated by reference and, particularly, as being moot in view of the above-requested amendments in which the recitations of allowed claims 27 - 29 have been included in independent claims 1, 17 and 25. Clearly and on the record of this application, none of the references relied on by the Examiner, taken alone or in and combination teach or suggest and do not provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness of the subject matter now claimed.

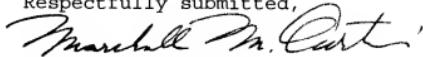
Accordingly, it is respectfully submitted that, upon entry of the above-requested amendments, the application has been *prima facie* condition for immediate allowance. By the same token, it is respectfully submitted that entry of the above-requested amendments is well-justified as resolving all issues raised by the Examiner as well as placing the application in condition for allowance. Therefore, entry of the above-requested amendments and withdrawal of the asserted grounds of rejection is respectfully requested.

Since all grounds of rejection contained in the current official action have been fully answered by inclusion of allowable subject matter in all independent claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is *prima facie* in condition for allowance and such action is therefore also respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of

time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-0510 of International Business Machines Corporation (Yorktown).

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

(703) 787-9400
Customer Number: 30743